

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

THOMAS L. REED, SR.,

Plaintiff,

v.

COURT OF COMMON PLEAS, et al.,

Defendants.

Civil Action No. 08-155 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on May 21, 2008 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 37], filed on March 17, 2009, recommended that: the motion to dismiss filed by Defendant Court of Common Pleas [Doc. No. 12] be granted; the motion to dismiss filed by Defendant Brad Foulk [Doc. No. 31] be granted; the "Motion to Let Court Know that Common Pleas Court and Judges Below is a part of the Action" filed by Plaintiff [Doc. No. 33] be denied as futile; and the "Motion to Correct Complaint" filed by Plaintiff [Doc. No. 35] be denied as futile. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. No objections were filed. After de novo review of the motions and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 3rd day of April, 2009;

IT IS HEREBY ORDERED that the motion to dismiss filed by Defendant Court of Common Pleas [Doc. No. 12] is GRANTED; the motion to dismiss filed by Defendant Brad Foulk [Doc. No. 31] is GRANTED; the "Motion to Let Court Know that Common Pleas Court and Judges Below is a part of the Action" filed by Plaintiff [Doc. No. 33] is DENIED as futile; and the "Motion to Correct Complaint" filed by Plaintiff [Doc. No. 35] is DENIED as futile.

The Report and Recommendation [Doc. No. 37] of Magistrate Judge Baxter, filed on March 17, 2009, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge